IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5260 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

@

SHRI RAM HOUSING CORPORATION

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5260 of 2002

MR PM THAKKAR FOR M/S THAKKAR ASSO.for Petitioner No.1-1/5

MR PR ABICHANDANI, A.G.P. for Respondent No. 1

MR AR THACKER for Respondent No. 2-3

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 15/07/2002

ORAL JUDGEMENT

1. Rule. Shri P.R.Abichandani, learned A.G.P. for waives service of Rule for respondent No.1 - State and Shri A.R.Thakkar, learned Counsel waives service of Rule for private respondents No.2 & 3.

2. At the joint request of learned Counsel for the parties this matter is heard and disposed of today by this order.

3. It was agreed by the learned Counsel for the parties that without going into legality and validity of the impugned order which is challenged in this petition, the same may be set aside without expressing any opinion on the merits of the case. Accordingly, this petition is

allowed and the impugned order dated 30.5.2002 is hereby quashed and set aside and the matter is remanded back to the respondent No.1 with direction to restore the said Revision Petition to its original number and decide the same in accordance with law after extending the opportunity of hearing to all the concerned parties. At first instance the parties shall personally remain present before the respondent No.1, or whosoever is holding charge, on 29.7.2002 at 11.00 a.m. sharp. On that day the respondent No.1 shall give fixed date of hearing to the parties and decide the Revision Application in accordance with law, preferably within 2 weeks thereof. Till then the partners of the petitioner shall not raise further construction or development and maintain status-quo as on today.

4. It is made clear that this order is passed without prejudice to the rights and contentions of both the parties in a litigations pending, including the Revision pending before the Authority. I am sure that the Authority shall decide the Revision Application, without being influenced by this order, strictly in accordance with law.

Rule made absolute accordingly. No order as to costs. Direct service permitted.

sd/-

Date : July 15, 2002 (B.J.Shethna, J.)

sas